



DATE:	April 30, 2013
APPROVED BY:	Russell Schaedlich, Secretary

**LAKE COUNTY PLANNING COMMISSION**  
**March 26, 2013**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:30 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Schaedlich, Terriaco (alt. for Morse), Welch (alt. for Aufuldish), Zondag, Mmes. Hausch, Moran, and Pesec. Legal Counsel present: Asst. Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy, and Ms. Truesdell.

**MINUTES**

Mr. Welch moved and Ms. Pesec seconded the motion to approve the February, 2013 minutes.

All voted "Aye".

**FINANCIAL REPORT**

Mr. Adams moved and Mr. Welch seconded the motion to approve the February, 2013 Financial Report.

Eight voted "Aye".  
One abstained.

**PUBLIC COMMENT**

There was no public comment.

**LEGAL REPORT**

Mr. Joshua Horacek said that there was a meeting about Kimball Estates. Attending were Mr. Boyd, Mr. Brotzman, Mr. Radachy and representatives from a couple of the county agencies trying to resolve the issue. After much discussion, they arrived at what was a good resolution. Mr. Brotzman has agreed to allow new tile to be installed onto his property to drain the excess water onto the road. Mr. Hadden from the County Engineer's office is in the process of developing those plans and securing rights of entry to do the surveying. Hopefully, it will be implemented. The Developer is on board. One other property owner, aside from Mr. Brotzman, is open to the idea of the fix but wants to see the actual plans first.

Mr. Brotzman said they were going to do the entire stretch of the woods. He made it clear that he did not think that he should be the solution, but it did not seem like the County was going to be able to work with a solution offsite. We are going to allow him egress in the future to fix any drainage issues. It might take a civil matter to fix any issues that might come up in the future. Because of the long standing nature of this problem, he has come to find blow-outs on the back of his property so the integrity of his system seems to be compromised to some extent. Mr. Brotzman proposed that the simplest solution was to let it happen on his land and to let Mr. Hamilton, at his expense, completely replace the tile up through the woods where this problem has occurred. If the right language can be drafted, it would give Mr. Hamilton some rights of easement to service any conditions that could develop. They thought they could do it in one-hundred yards of woods, with a fifteen feet swath right up through the woods, and relay his tile, and connect it to the existing catch basins, which are right in his fields. It is the simplest fix. As the meeting concluded, Mr. Brotzman spoke to George Hadden, and asked him how this happened. He said that the County Engineer's office has reviewed their review process and made some changes. The first letter of official notice to Mr. Hamilton was written May 23, 2006.

## DIRECTOR'S REPORT

Mr. Radachy talked about the following topics:

- Mr. Radachy said he went to the last Madison Township Zoning Commission meeting to discuss some issues with the last district change. Some residents were concerned that their property was being rezoned from B2 to B3.
- The Cleveland Section of the American Planning Association of Ohio won the bid to have the APA Ohio State conference in Cleveland. He is helping to organize the conference.
- The Planning Commission and the Office of Planning and Community Development are each having a phone number put in the phone book.
- He is working with Concord Township on their new signage regulations. Concord has contracted D. B. Hartt & Associates to do that rewrite.
- He attended an Economic Development meeting at the Holden Center of Lakeland Community College. They are getting ready to launch a website showing all the properties available for development in Lake County. The goal is to have all the communities work together as opposed to competing for businesses that are seeking

an area to develop. The name of the website will be [www.lakecountymeansbusiness.com](http://www.lakecountymeansbusiness.com).

## ANNOUNCEMENT

The Northeast Ohio Planning & Zoning Workshop will be held on June 28, 2013 in Warren, Ohio. April 19<sup>th</sup> will be a mandatory meeting for organizations applying for Community Development Block Grant funds for the 2013 fiscal year. There will be two separate sessions afterwards. One will be for service providers and the other session will be for those doing construction projects such as infrastructure and building repairs.

## SUBDIVISION REVIEW

### Leroy Township – Proposed Lot Split Variance for Parcel 7A-3Q-5

Mr. Radachy said R. J. Ross, owns 8.9737 acres of land adjacent to Edgebrook Court which is a major subdivision. Our subdivision regulations require that the ends of stub streets cannot be used as frontage. He is requesting that he be allowed to use that as frontage based on the issue that there is a pond in the middle of the lot. Soil and Water Conservation District said that there is a wetland adjacent to the temporary cul-de-sac and staff stated that there is a stream that needs to be crossed if the owner has to provide access to Brakeman Road. When the subdivision was created, this was an almost 18-acre parcel. The lot has since been split into two parcels. Staff is recommending we approve the lot split based on the physical hardship of the pond and allow him to use the frontage at the end of the road.

Mr. Schaedlich asked if that violated Leroy Township's zoning.

Mr. Radachy said that Leroy Township's zoning requires sixty feet for a flag lot. You can't use the amount of land as part of minimum acreage until it opens up to 150 feet.

Ms. Pesec asked if, by allowing the variance, how it would impact the wetlands and the stream crossing.

Mr. Radachy said the back property line of the proposed split would be the stream. There would be no stream crossing. The wetland is directly in front of the road and this driveway can be put to the south and avoid the wetland. By allowing this variance, the driveway access would not have to be 22 feet of pavement as required for a public road. It could be ten feet of pavement. If this is not allowed and the road is required, then he has to go through the wetland.

Mr. Schaedlich asked what would happen to the temporary cul-de-sac.

Mr. Radachy said it would end up being a temporary cul-de-sac. It could require that he put the house in the position that, if a neighbor and he agree to build a road, the

temporary cul-de-sac would stay. We can request the Township have the house built in a position that the road can still be built in the future, but it will be up to the Township Zoning Inspector. The owner will have to get approval for septic and a well. At five acres and above, he has the option of claiming it as agriculture. If it is under five acres, the agricultural exemption cannot be used without a variance. He could do the standard lot split with a 60-foot frontage but it would end up being useless land.

Mr. Zondag clarified that the recommendation of staff was to grant the variance with the stipulation that they move the driveway to the south.

Mr. Zondag moved that the variance be granted based on the recommendation that the driveway be moved to the south. Mr. Adams seconded the motion.

All voted "Aye".

### Subdivision Activity Report

Loreto Landing is a subdivision that has been around for many years. It has private streets that property owners want to become public roads. It is going to have a public hearing and road review. He has reason to believe there will be two new subdivisions coming in from Painesville Township and Concord Township.

### LAND USE AND ZONING REVIEW

#### Madison Township – Proposed Text Amendments to Sections 142, BZA and 145, Penalties

Mr. Radachy said that Madison Township wants to alter their text by:

- Adding alternates to the Board of Zoning Appeals and providing a length of term for the alternates.
- Requiring penalties to be a 3<sup>rd</sup> degree misdemeanor and fined accordingly.
- Providing a statement that an injunction against a violation may come from the Township Trustees, the Zoning Inspector, the Lake County Prosecutor or adjacent property owners.

Mr. Radachy said these regulations are not addressed by the Madison Township Comprehensive Plan. The language describing the length of term for the alternates is not in the proper spot in the paragraph. Its location does not make sense.

- There is no language stating that alternates have the powers and duties in the absence of one of the regular members.
- The penalty text is similar to the Perry Township Zoning Resolution.

- The term “fined for such misdemeanor” limits the Township to just financial sanctions.

Staff is recommending that the proposed text amendments have the following changes:

- Rewrite Section 142.1.1 to read: ...of five (5) members and **two (2) alternates** who shall be residents of... the term of one (1) member will expire each year. ***The term of the alternates shall be one (1) year.*** Each member shall serve...
- Add new section 142.3.6, Powers and Duties of Alternates. ***In the absence of a member, an alternate shall have the same powers and duties listed in Section 142.3.***
- Change the language: “...***shall upon conviction therefore be fined for such misdemeanor of the third degree...***” to “...***shall upon conviction therefore be punished for such misdemeanor of the third degree...***”. This would give the court the option to use all misdemeanor penalties listed in the ORC.

The Trustees appoint all seven members, including the two alternates. They can move to any position on the Board where they are needed.

The Board stated staff recommended that Board members be required to finish the case they started.

Mr. Zondag moved and Mr. Schaedlich seconded the motion to accept staff recommendations with the addition that alternates finish the case they started.

All voted “Aye”.

#### Leroy Township – Proposed District Amendment to the Eastern Quadrant of the Township from R-1 to R-2

Mr. Radachy said that this property is zoned R-1, Single Family, and is bordered on the south by Hambden Township R-1 (3 Acre lots), on the east by Thompson Township R-3 (3 Acre lots) south of Valentine, R-5 (5 Acre lots) North of Valentine and on the north and west by R-1, Single Family. The “Goals and Policies from the 2007 Leroy Township Comprehensive Plan” state the following:

“Create a new “Residential – rural” zoning district, with a minimum lot size of two to four acres (0.8 to 1.6 hectares), for the area east of the Hell Hollow Wilderness area. The residential – rural zoning district should also be applied to areas with limited groundwater resources.”

Mr. Radachy added the following information:

- There are 445 parcels involved with this district amendment. Currently there are 29 parcels that are substandard to minimum lot size for R-1 (current zoning). There are 64

lots that are currently between 1.5 acres and 2 acres and 45 lots between 2 acres and 3 acres. After the district change is made, there will be 138 sublots that will be non-conforming to zoning in regards to minimum lot size.

- There are 1,897 parcels in Leroy Township. This will make 7% of the parcels non-conforming, of which 1.5% is already non-conforming.
- The minimum frontage will also be increasing, but there is no easy way to determine how many lots will become non-conforming.

Staff recommended approving the district amendment because it conforms to the Comprehensive Plan. They are in the process of setting the public hearing. They sent out letters to every single property owner.

Mr. Zondag moved and Ms. Moran seconded the motion to accept staff's recommendation of the proposed District Amendment to the Eastern Quadrant of Leroy Township to change R-1 to R-2.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

### Bylaws Review Committee

Mr. Radachy said that the ByLaws Review Committee met yesterday and presented the final draft. The Committee requested some changes and they have been inserted in the packet to all Planning Commission members. According to the ByLaws, the changes have to be presented to the Secretary for review 15 days prior to the next Planning Commission meeting of May 30<sup>th</sup>. He invited all members to discuss with him any questions they may have.

He said any comments would be discussed at the next Committee meeting and the ByLaws would be available for the May Commission meeting.

### Coastal Plan Committee

Mr. Radachy said Coastal Plan minutes have been inserted in the packet.

## CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

There was no old business.

## NEW BUSINESS

### Certification of Subdivision Regulations

In the past, the County Recorder signed off on our Subdivision Regulations and they would get recorded. The current Recorder, Ann Radcliffe, asked the Planning Commission to do a Resolution of Certification of the Subdivision Regulations. Mr. Radachy read it into the minutes.

### **Lake County Planning Commission**

#### **RESOLUTION CERTIFYING SUBDIVISION REGULATIONS TO THE LAKE COUNTY RECORDER**

WHEREAS, Revised Code Section 711.10 authorizes the Lake County Planning Commission to adopt subdivision regulations, and

WHEREAS, the Lake County Planning Commission has adopted Subdivision Regulations pursuant to Revised Code Section 711.10; and

WHEREAS, at the January 26, 2013 meeting of the Lake County Planning Commission, the Commission approved amendments to the Subdivision Regulations, having held a public hearing on the matter and notice of that hearing having been sent to all townships in the County at least 30 days in advance of the hearing pursuant to Revised Code Section 711.10; and

WHEREAS, Revised Code Section 711.10 requires that a copy of the regulations shall be certified by the Planning Commission to the County Recorders of the appropriate counties;

NOW, THEREFORE, BE IT RESOLVED, that the Lake County Planning Commission, hereby certifies to the Lake County Recorder the Subdivision Regulations as amended by the Lake County Planning Commission on January 26, 2013. Said regulations are incorporated herein by reference and made a part of this resolution.

BE IT FURTHER RESOLVED, that the Interim Director of the Office of Planning and Community Development is hereby directed to forward a copy of this resolution and the Subdivision Regulations to the Lake County Recorder.

Adopted:\_\_\_\_\_

\_\_\_\_\_  
Geraldine F. Hausch, Chair

\_\_\_\_\_  
Russell D. Schaedlich, Secretary

Mr. Zondag moved and Ms. Moran seconded the motion to approve the Resolution Certifying Subdivision Regulations to the Lake County Recorder.

All voted "Aye".

## Coastal Plan Support Letter

The Coastal Plan Committee is asking all lakefront communities and the Planning Commission for a resolution of support or a letter of support to be forwarded to the Corp of Engineers in Buffalo. Mr. Radachy requested that the Board approve a letter of support from the Planning Commission. He read the letter into the record.

Mr. Jason Boyd, Chair  
Lake County Coastal Plan Committee  
C/O Lake County Planning Commission  
125 East Eire Street  
Painesville , Ohio 44077

RE: Support of the Coastal Development Plan Implementation in Lake County, Ohio

Dear Mr. Boyd:

The Lake County Planning Commission would like to commend the Lake County Coastal Plan Committee on the job they have done on implementing the Coastal Plan. The collective group of public and private entities has held to their mission of promoting recreational and economic opportunities on the Lake Erie coast in Lake County, Ohio for present and future generations through funding and planning strategies in cooperation with the public and private sectors. We have been impressed with the extensive community outreach, stakeholder involvement, and review of regional best management practices that guided the development of the amenities presented in the Coastal Development Plan

The Lake County Planning Commission has heard that local community leaders have expressed a concern with the ability to proceed with additional planned projects even as the economy continues to improve. We understand that the local leaders agree for the need for policies to be followed, but we also understand that there may be perceived inconsistencies in the enforcement of these policy requirements of the U. S. Army Corps of Engineers and these inconsistencies are becoming a major hurdle in moving ahead with further Plan implementation. Local leaders are hesitant to invest in coastal improvements without a clearer understanding of permitting and post construction requirements.

The Lake County Planning Commission would like to submit this letter of support for the Lake County Coastal Plan Committee of the Lake County Planning Commission in advocating for assistance and commitment from the U. S. Army Corps of Engineers to define the proper metrics, guidance and endorsement to implement the Coastal Development Plan to create recreational, social, and economic benefits for the citizens of Lake County.

Yours truly,

Geraldine Hausch, Chairperson



Mr. Schaedlich moved and Ms. Moran seconded the motion to approve the support letter for the Coastal Plan to be forwarded to the U. S. Corp of Engineers in Buffalo, New York.

All voted "Aye".

#### PUBLIC COMMENT

There was no comment from the public.

#### ADJOURNMENT

Mr. Zondag moved and Ms. Pesec seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 6:25 p.m.